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**U.S. Citizenship
and Immigration
Services**



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NOV 09 2005

FILE:  Office: CALIFORNIA SERVICE CENTER

Date:

IN RE: Applicant: 

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by Salinas, California Legalization Office, reopened and denied again by the the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The legalization office and the center director denied the application because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the eligibility period. This determination was based on information obtained by Citizenship and Immigration Services (CIS), formerly the Immigration and Naturalization Service (INS), regarding the applicant's claimed employment for [REDACTED]

In order to be eligible for temporary resident status as a special agricultural worker, an alien must have engaged in qualifying agricultural employment for at least 90 man-days during the twelve-month period ending May 1, 1986, and must be otherwise admissible under section 210(c) of the Act and not ineligible under 8 C.F.R. § 210.3(d). 8 C.F.R. § 210.3(a). An applicant has the burden of proving the above by a preponderance of the evidence. 8 C.F.R. § 210.3(b).

The record reflects that the applicant submitted an appeal from the decision dated August 30, 1991. The record does not contain that appeal. On September 17, 2004, Citizenship and Immigration Services (CIS) requested that the applicant submit a duplicate copy of his appeal or a new appeal form and forwarded to the applicant blank Forms I-694 Notice of Appeal of Decision for that purpose. The request was sent to the applicant's most current address of record and was returned to CIS marked "unclaimed." Thus, the applicant's failure to receive the request was due to his own making. In the absence of a Form I-694, it cannot be concluded that the applicant waged a meaningful appeal.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. Based on the record of proceedings, the applicant has not demonstrated that he addressed the reasons stated in the denial, nor that he provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.